

shall faithfully perform and execute the trust reposed in him, and such trustee shall report, under oath, any sale he may make to the court, and also report his proceedings whenever he may be required by the court.

This section applies to a grantee in a deed who has the duties of a trustee, although he is not so named. Design and liberal construction of this section. *Furlong v. Edwards*, 3 Md. 114 (dissenting opinion); *Keighler v. Nicholson*, 4 Md. Ch. 93.

This section held not to require a deed of trust to be recorded. Purpose of this section. *Bryan v. Hawthorne*, 1 Md. 524.

This section referred to in construing article 5, section 53—see notes thereto. *Harris v. Register*, 70 Md. 119.

The act of 1845, ch. 166, held not to apply to deeds of trust executed before its adoption. *Walgamot v. Davis*, 6 Gill, 485.

Cited but not construed in *National Park Bank v. Lanahan*, 60 Md. 511; *Cockey v. Leicester*, 12 Md. 128; *Charles v. Clagett*, 3 Md. 91 (dissenting opinion).

No bond is required of a trust company appointed trustee by the court—art. 11, sec. 48.

As to the payment of the premium of the bond out of the estate being administered, see art. 24, sec. 10.

1904, art. 16, sec. 218. 1888, art. 16, sec. 202. 1860, art. 16, sec. 137.

1785, ch. 72, sec. 9.

234. No sale made by a trustee appointed by the court shall be valid unless such sale is confirmed by the court; and the court may order any such trustee to bring into court any money, notes or bonds he may receive for the purchase money on any sale he may make, to be disposed of as the court may direct.

A sale not ratified is not void, but at most only voidable, if successful objection is made for fatal irregularity, fraud or misrepresentation. *Hopper v. Haines*, 71 Md. 76.

Cited but not construed in *Gould v. Chappell*, 42 Md. 469.

Ibid. sec. 219. 1888, art. 16, sec. 203. 1860, art. 16, sec. 138. 1785, ch. 72, sec. 10. 1870, ch. 370. 1874, ch. 428. 1878, ch. 136.

235. In all cases where a trustee has been appointed by will or deed to execute any trust, and any person interested in such trust shall make it appear to the court that it is necessary for the safety of those interested in the execution of the trust, that the trustee should give bond and security for the due execution of the trust, the court may order that such bond be given, on or before such day as the court shall name; and if the bond, with such security as the court shall approve, be not given by such trustee, then the court may remove such trustee and appoint one in his stead, who shall give such bond and security as the court may require.

Under this section, persons entitled in remainder may apply for security for the proper administration of the trust, and the bond should be given under the direction of the court before the executors turn the money over to the trustee. *McClernan v. McClernan*, 73 Md. 288. And see *State v. Hewlett*, 48 Md. 144.

Under this section, the court may order the execution of an adequate bond, and if the order is not complied with, remove the trustee and appoint another; or if the bond is insufficient, the court may order another given. *Snit v. Creswell*, 45 Md. 531; *Campbell's Case*, 2 Bl. 209; *Jones v. Stockett*, 2 Bl. 436.